

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-164

**JENNIFER LEE WINN**  
10164 Bear Valley Road  
Jacksonville, FL 32257

Registered Nurse License No. 618780

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 6, 2007.

It is so ORDERED August 6, 2007.

*Lathane W Tate*

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY, State Bar No. 169423  
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7  
8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-164

13 **JENNIFER LEE WINN**  
10164 Bear Valley Road  
14 Jacksonville, FL 32257

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License No. 618780

16 Respondent.  
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18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
25 by Shana A. Bagley, Deputy Attorney General.

26 2. Respondent Jennifer Lee Winn is representing herself in this proceeding  
27 and has chosen not to exercise her right to be represented by counsel.

28 ///

3. On or about May 22, 2003, the Board of Registered Nursing issued Registered Nurse License No. 618780 to Jennifer Lee Winn (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-164 and will expire on February 28, 2009, unless renewed.

## JURISDICTION

4. Accusation No. 2007-164 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 26, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-164 is attached as Exhibit "A" and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-164. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

**CULPABILITY**

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-164.

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1                   9.       Respondent agrees that her Registered Nurse License is subject to  
2 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
3 Disciplinary Order below.

4                                   **CIRCUMSTANCES IN MITIGATION**

5                   10.       Respondent Jennifer Lee Winn has never been the subject of any  
6 disciplinary action. She is admitting responsibility at an early stage in the proceedings.

7                                   **CONTINGENCY**

8                   11.       This stipulation shall be subject to approval by the Board of Registered  
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
10 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
11 and settlement, without notice to or participation by Respondent. By signing the stipulation,  
12 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
13 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
14 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
15 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
16 between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18                                   **OTHER MATTERS**

19                   12.       The parties understand and agree that facsimile copies of this Stipulated  
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
21 force and effect as the originals.

22                                   **DISCIPLINARY ORDER**

23                   In consideration of the foregoing admissions and stipulations, the parties agree  
24 that the Board may, without further notice or formal proceeding, issue and enter the following  
25 Disciplinary Order:

26                   IT IS HEREBY ORDERED that Registered Nurse License No. 618780 issued to  
27 Respondent Jennifer Lee Winn is revoked. However, the revocation is stayed and Respondent is  
28 placed on probation for three (3) years on the following terms and conditions.

1                   **Severability Clause.** Each condition of probation contained herein is a separate  
2 and distinct condition. If any condition of this Order, or any application thereof, is declared  
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
5 and enforceable to the fullest extent permitted by law.

6                   1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
7 A full and detailed account of any and all violations of law shall be reported by Respondent to  
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
9 compliance with this condition, Respondent shall submit completed fingerprint forms and  
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
11 as part of the licensure application process.

12                   **Criminal Court Orders:** If Respondent is under criminal court orders, including  
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15                   2.       **Comply with the Board's Probation Program.** Respondent shall fully  
16 comply with the conditions of the Probation Program established by the Board and cooperate  
17 with representatives of the Board in its monitoring and investigation of the Respondent's  
18 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
19 within no more than 15 days of any address change and shall at all times maintain an active,  
20 current license status with the Board, including during any period of suspension.

21                   Upon successful completion of probation, Respondent's license shall be fully  
22 restored.

23                   3.       **Report in Person.** Respondent, during the period of probation, shall  
24 appear in person at interviews/meetings as directed by the Board or its designated  
25 representatives.

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1                   4.     **Residency, Practice, or Licensure Outside of State.** Periods of  
2 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
3 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
4 of California. Respondent must provide written notice to the Board within 15 days of any change  
5 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7                   Respondent shall provide a list of all states and territories where she has ever been  
8 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
9 provide information regarding the status of each license and any changes in such license status  
10 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
11 new nursing license during the term of probation.

12                   5.     **Submit Written Reports.** Respondent, during the period of probation,  
13 shall submit or cause to be submitted such written reports/declarations and verification of actions  
14 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
15 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
16 Program. Respondent shall immediately execute all release of information forms as may be  
17 required by the Board or its representatives.

18                   Respondent shall provide a copy of this Decision to the nursing regulatory agency  
19 in every state and territory in which she has a registered nurse license.

20                   6.     **Function as a Registered Nurse.** Respondent, during the period of  
21 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
22 hours per week for 6 consecutive months or as determined by the Board.

23                   For purposes of compliance with the section, "engage in the practice of registered  
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26                   The Board may require that advanced practice nurses engage in advanced practice  
27 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
28 Board.

1           If Respondent has not complied with this condition during the probationary term,  
2 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
3 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
4 grant an extension of Respondent's probation period up to one year without further hearing in  
5 order to comply with this condition. During the one year extension, all original conditions of  
6 probation shall apply.

7           **7. Employment Approval and Reporting Requirements.** Respondent  
8 shall obtain prior approval from the Board before commencing or continuing any employment,  
9 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
10 performance evaluations and other employment related reports as a registered nurse upon request  
11 of the Board.

12           Respondent shall provide a copy of this Decision to her employer and immediate  
13 supervisors prior to commencement of any nursing or other health care related employment.

14           In addition to the above, Respondent shall notify the Board in writing within  
15 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
16 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
17 terminated or separated, regardless of cause, from any nursing, or other health care related  
18 employment with a full explanation of the circumstances surrounding the termination or  
19 separation.

20           **8. Supervision.** Respondent shall obtain prior approval from the Board  
21 regarding Respondent's level of supervision and/or collaboration before commencing or  
22 continuing any employment as a registered nurse, or education and training that includes patient  
23 care.

24           Respondent shall practice only under the direct supervision of a registered nurse  
25 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
26 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
27 are approved.

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Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

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1 Respondent shall work only on a regularly assigned, identified and predetermined  
2 worksite(s) and shall not work in a float capacity.

3 If Respondent is working or intends to work in excess of 40 hours per week, the  
4 Board may request documentation to determine whether there should be restrictions on the hours  
5 of work.

6 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
7 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
8 than six months prior to the end of her probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the  
10 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
11 completion for the above required course(s). The Board shall return the original documents to  
12 Respondent after photocopying them for its records.

13 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
14 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
15 amount of \$1,725.00. Respondent shall be permitted to pay these costs in a payment plan  
16 approved by the Board, with payments to be completed no later than three months prior to the  
17 end of the probation term.

18 If Respondent has not complied with this condition during the probationary term,  
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
21 grant an extension of Respondent's probation period up to one year without further hearing in  
22 order to comply with this condition. During the one year extension, all original conditions of  
23 probation will apply.

24 12. **Violation of Probation.** If Respondent violates the conditions of her  
25 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
26 aside the stay order and impose the stayed revocation of Respondent's license.

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1           If during the period of probation, an accusation or petition to revoke probation has  
2 been filed against Respondent's license or the Attorney General's Office has been requested to  
3 prepare an accusation or petition to revoke probation against Respondent's license, the  
4 probationary period shall automatically be extended and shall not expire until the accusation or  
5 petition has been acted upon by the Board.

6           **13. License Surrender.** During Respondent's term of probation, if she ceases  
7 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
8 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
9 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
10 take any other action deemed appropriate and reasonable under the circumstances, without  
11 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
12 will no longer be subject to the conditions of probation.

13           Surrender of Respondent's license shall be considered a disciplinary action and  
14 shall become a part of Respondent's license history with the Board. A registered nurse whose  
15 license has been surrendered may petition the Board for reinstatement no sooner than the  
16 following minimum periods from the effective date of the disciplinary decision:

17           (1) Two years for reinstatement of a license that was surrendered for any  
18 reason other than a mental or physical illness; or

19           (2) One year for a license surrendered for a mental or physical illness.

20           **14. Physical Examination.** Within 45 days of the effective date of this  
21 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
22 physician assistant, who is approved by the Board before the assessment is performed, submit an  
23 assessment of the Respondent's physical condition and capability to perform the duties of a  
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
25 medically determined, a recommended treatment program will be instituted and followed by the  
26 Respondent with the physician, nurse practitioner, or physician assistant providing written  
27 reports to the Board on forms provided by the Board.

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1           If Respondent is determined to be unable to practice safely as a registered nurse,  
2 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
5 shall immediately cease practice and shall not resume practice until notified by the Board.  
6 During this period of suspension, Respondent shall not engage in any practice for which a license  
7 issued by the Board is required until the Board has notified Respondent that a medical  
8 determination permits Respondent to resume practice. This period of suspension will not apply  
9 to the reduction of this probationary time period.

10           If Respondent fails to have the above assessment submitted to the Board within  
11 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
12 practice until notified by the Board. This period of suspension will not apply to the reduction of  
13 this probationary time period. The Board may waive or postpone this suspension only if  
14 significant, documented evidence of mitigation is provided. Such evidence must establish good  
15 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
16 provided. Only one such waiver or extension may be permitted.

17           **15.     Participate in Treatment/Rehabilitation Program for Chemical**  
18 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
19 period or shall have successfully completed prior to commencement of probation a Board-  
20 approved treatment/rehabilitation program of at least six months duration. As required, reports  
21 shall be submitted by the program on forms provided by the Board. If Respondent has not  
22 completed a Board-approved treatment/rehabilitation program prior to commencement of  
23 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
24 a program. If a program is not successfully completed within the first nine months of probation,  
25 the Board shall consider Respondent in violation of probation.

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1           Based on Board recommendation, each week Respondent shall be required to  
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
6 such attendance to the Board during the entire period of probation. Respondent shall continue  
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
8 mental health examiner and/or other ongoing recovery groups.

9           16.     **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
10 shall completely abstain from the possession, injection or consumption by any route of all  
11 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
12 the same are ordered by a health care professional legally authorized to do so as part of  
13 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
14 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
15 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
16 medication will no longer be required, and the effect on the recovery plan, if appropriate.

17           Respondent shall identify for the Board a single physician, nurse practitioner or  
18 physician assistant who shall be aware of Respondent's history of substance abuse and will  
19 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
20 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
21 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
22 condition. If any substances considered addictive have been prescribed, the report shall identify a  
23 program for the time limited use of any such substances.

24           The Board may require the single coordinating physician, nurse practitioner, or  
25 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
26 addictive medicine.

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1                   17.     **Submit to Tests and Samples.** Respondent, at her expense, shall  
2 participate in a random, biological fluid testing or a drug screening program which the Board  
3 approves. The length of time and frequency will be subject to approval by the Board.  
4 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
5 number at all times. Respondent shall also ensure that messages may be left at the telephone  
6 number when she is not available and ensure that reports are submitted directly by the testing  
7 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
8 to the Board by the program and Respondent shall be considered in violation of probation.

9                   In addition, Respondent, at any time during the period of probation, shall fully  
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
11 tests and samples as the Board or its representatives may require for the detection of alcohol,  
12 narcotics, hypnotics, dangerous drugs, or other controlled substances.

13                   If Respondent has a positive drug screen for any substance not legally authorized  
14 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
15 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
16 from practice pending the final decision on the petition to revoke probation or the accusation.  
17 This period of suspension will not apply to the reduction of this probationary time period.

18                   If Respondent fails to participate in a random, biological fluid testing or drug  
19 screening program within the specified time frame, Respondent shall immediately cease practice  
20 and shall not resume practice until notified by the Board. After taking into account documented  
21 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
22 Board may suspend Respondent from practice pending the final decision on the petition to  
23 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
24 this probationary time period.

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1                   18.     **Mental Health Examination.** Respondent shall, within 45 days of the  
2 effective date of this Decision, have a mental health examination including psychological testing  
3 as appropriate to determine her capability to perform the duties of a registered nurse. The  
4 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
5 practitioner approved by the Board. The examining mental health practitioner will submit a  
6 written report of that assessment and recommendations to the Board. All costs are the  
7 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
8 result of the mental health examination will be instituted and followed by Respondent.

9                   If Respondent is determined to be unable to practice safely as a registered nurse,  
10 the licensed mental health care practitioner making this determination shall immediately notify  
11 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
12 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
13 practice and may not resume practice until notified by the Board. During this period of  
14 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
15 is required, until the Board has notified Respondent that a mental health determination permits  
16 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
17 probationary time period.

18                   If Respondent fails to have the above assessment submitted to the Board within  
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
20 practice until notified by the Board. This period of suspension will not apply to the reduction of  
21 this probationary time period. The Board may waive or postpone this suspension only if  
22 significant, documented evidence of mitigation is provided. Such evidence must establish good  
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
24 provided. Only one such waiver or extension may be permitted.

25                   19.     **Therapy or Counseling Program.** Respondent, at her expense, shall  
26 participate in an on-going counseling program until such time as the Board releases her from this  
27 requirement and only upon the recommendation of the counselor. Written progress reports from  
28 the counselor will be required at various intervals.

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**ACCEPTANCE**

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: May 02, 2007

  
JENNIFER LEE WINN  
Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: \_\_\_\_\_

EDMUND G. BROWN JR., Attorney General  
of the State of California

WILBERT E. BENNETT  
Supervising Deputy Attorney General

SHANA A. BAGLEY  
Deputy Attorney General  
Attorneys for Complainant

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DATED: \_\_\_\_\_.

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JENNIFER LEE WINN  
Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 4.4.07

EDMUND G. BROWN JR., Attorney General  
of the State of California

WILBERT E. BENNETT  
Supervising Deputy Attorney General

\_\_\_\_\_  
SHANA A. BAGLEY  
Deputy Attorney General  
Attorneys for Complainant



**Exhibit “A”**

**Accusation No. 2007-164**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY, State Bar No. 169423  
Deputy Attorney General  
4 California Department of Justice  
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6 Telephone: (510) 622-2129  
Facsimile: (510) 622-2270

7 Attorneys for Complainant

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-164

12 **JENNIFER LEE WINN**  
13 2370 Homestead Rd. # 7  
Santa Clara, CA 95050

**A C C U S A T I O N**

14 Registered Nurse License No. 618780

15 Respondent.  
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17 Complainant alleges:  
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19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about May 22, 2003, the Board of Registered Nursing issued  
24 Registered Nurse License Number 618780 to Jennifer Lee Winn (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on February 28, 2007, unless renewed.

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3. This Accusation is brought before the Board of Registered Nursing

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

5. Section 490 of the Code states:

6. Section 493 of the Code states:

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1           7.       Section 2750 of the Code provides, in pertinent part, that the Board may  
2 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
3 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4           8.       Section 2761 of the Code states, in pertinent part:

5           The board may take disciplinary action against a certified or  
6 licensed nurse or deny an application for a certificate or license for  
any of the following:

7           (a) Unprofessional conduct . . .

8           . . .

9           (f) Conviction of a felony or of any offense substantially related to  
10 the qualifications, functions, and duties of a registered nurse, in  
11 which event the record of the conviction shall be conclusive  
evidence thereof.

12          9.       Section 2762 of the Code states, in pertinent part:

13          In addition to other acts constituting unprofessional conduct within  
14 the meaning of this chapter [the Nursing Practice Act], it is  
unprofessional conduct for a person licensed under this chapter to  
do any of the following:

15          . . .

16          (b) Use any . . . alcoholic beverages, to an extent or in a manner  
17 dangerous or injurious to himself or herself, any other person, or  
the public or to the extent that such use impairs his or her ability to  
18 conduct with safety to the public the practice authorized by his or  
her license.

19          (c) Be convicted of a criminal offense involving the prescription,  
20 consumption, or self-administration of any of the substances  
described in subdivisions (a) and (b) of this section, . . . in which  
21 event the record of the conviction is conclusive evidence thereof. . .

22          10.       Section 2764 of the Code provides, in pertinent part, that the expiration of  
23 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
24 against the licensee or to render a decision imposing discipline on the license. Under section  
25 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within  
26 eight years after the expiration.

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28       ///

1           11.     Section 2765 of the Code provides:

2           A plea or verdict of guilty or a conviction following a plea of nolo  
3           contendere made to a charge substantially related to the  
4           qualifications, functions and duties of a registered nurse is deemed  
5           to be a conviction within the meaning of this article. The board  
6           may order the license or certificate suspended or revoked, or may  
7           decline to issue a license or certificate, when the time for appeal  
8           has elapsed, or the judgment of conviction has been affirmed on  
9           appeal or when an order granting probation is made suspending the  
10          imposition of sentence, irrespective of a subsequent order under the  
11          provisions of Section 1203.4 of the Penal Code allowing such  
12          person to withdraw his or her plea of guilty and to enter a plea of  
13          not guilty, or setting aside the verdict of guilty, or dismissing the  
14          accusation, information or indictment.

15                           **REGULATORY PROVISIONS**

16          12.     California Code of Regulations, title 16, section 1444, states, in pertinent  
17          part:

18           A conviction or act shall be considered to be substantially related  
19           to the qualifications, functions or duties of a registered nurse if to a  
20           substantial degree it evidences the present or potential unfitness of  
21           a registered nurse to practice in a manner consistent with the public  
22           health, safety, or welfare. . . .

23                           **COST RECOVERY**

24          13.     Section 125.3 of the Code provides, in pertinent part, that the Board may  
25          request the administrative law judge to direct a licensee found to have committed a violation or  
26          violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27          and enforcement of the case.

28                           **FIRST CAUSE FOR DISCIPLINE**

**(Conviction of Crime Substantially Related to Registered Nursing)**

          14.     Respondent is subject to disciplinary action under sections 490 and 2761,  
subdivision (f), of the Code in that she was convicted of an offense substantially related to the  
qualifications, functions, and duties of a Registered Nurse, within the meaning of California  
Code of Regulations, title 16, section 1444. The circumstances are as follows:

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1 a. On or about July 13, 2006, in the criminal proceeding People v. Jennifer  
2 Lee Winn Santa Cruz County Superior Court Case No. M33501, Respondent was convicted by a  
3 plea of nolo contendere of violating Vehicle Code sections 23152, subdivision (a), (Driving  
4 Under the Influence), a misdemeanor.

5 b. Respondent was ordered to participate in a drinking driver program, to pay  
6 restitution in the amount of \$6,335.15, and to comply with additional terms and conditions.

7 c. The facts and circumstances surrounding the conviction are as follows: on  
8 or about May 5, 2006, in Santa Cruz, California, Respondent was involved in a single vehicle  
9 traffic accident, wherein she hit and damaged a utility pole. At the time of the accident,  
10 Respondent's 15-month old son was a passenger in the vehicle. Respondent's blood alcohol  
11 level test results were .17% and .18%. Thereafter, she was arrested for violating Vehicle Code  
12 section 23152 (Driving Under the Influence) and Penal Code section 273A, subdivision (B),  
13 (Child Endangerment).

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Use of Alcohol in a Dangerous Manner)**

16 15. Respondent is subject to disciplinary action for unprofessional conduct  
17 under sections 2761, subdivision (a), and 2762, subdivision (b), of the Code in that Respondent  
18 used alcoholic beverages in a manner dangerous or injurious to herself, any other person, or the  
19 public. The circumstances are more particularly set forth in paragraph 14, above.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct: Alcohol-Related Conviction)**

22 16. Respondent is subject to disciplinary action for unprofessional conduct  
23 under sections 2761, subdivision (a), and 2762, subdivision (c), of the Code in that Respondent  
24 was convicted of an offense involving the consumption of alcoholic beverages. The  
25 circumstances are more particularly set forth in paragraph 14, above.

26 ///

27 ///

28 ///

1 **PRAYER**

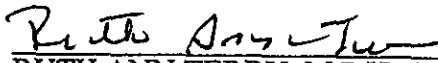
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 618780, issued  
5 to Jennifer Lee Winn;

6 2. Ordering Jennifer Lee Winn to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 12/18/06

12  
13   
14 RUTH ANN TERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
20  
21  
22  
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